

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:  JOSHUA M. FAWLEY,  Debtor,  GE CAPITAL RETAIL BANK,  Movant/Claimant,  v.  JOSHUA M. FAWLEY, and RONDA J. WINNECOUR, Ch. 13 Trustee  Respondents	Bankruptcy No. 10-24619-JAD  Chapter 13  Related to Doc. No. 75
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MOTION TO REOPEN BANKRUPTCY PURSUANT TO 11 U.S.C. § 350(b)

AND NOW, comes Claimant, GE Capital Retail Bank (the “Claimant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion to Reopen Bankruptcy Pursuant to 11 U.S.C. § 350(b), representing as follows:

The Parties

1. GE Capital Retail Bank is a national bank with offices in Ft. Myers, FL.
2. Respondents, Joshua M. Fawley, filed for bankruptcy protection pursuant to Chapter 13 of the Bankruptcy Code on June 29, 2010.
3. Ronda J. Winnecour is the duly appointed Chapter 13 Trustee (“Trustee”) and is currently acting in such capacity.

Jurisdiction and Venue

4. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. §§ 347 and 350 and 28 U.S.C. § 2041, et seq.

Factual Background

5. On or about June 29, 2010, Claimant was listed on the debtors schedules in the present bankruptcy in the amount of \$12,578.00.

6. At the time the debtor filed bankruptcy, GE Capital Retail Bank formerly known as GE Money Bank (GEMB) was the owner of the claim.

7. The original dividend check was sent to a GEMB/American Honda at PO Box 981439, El Paso, TX 79998. That address is no longer valid.

8. On October 9, 2013, the Trustee filed a Receipt of Funds Received for Deposit into Registry Account. Receipt Number 7284, Fee Amount \$1940.40 with the Clerk, U.S. Bankruptcy Court (the "Clerk"). The Trustee stated that the check represented unclaimed funds owed to GEMB/American Honda. As shown above, Claimant is the owner of those funds.

9. Claimant changed their payment address and did not receive the \$1,940.40 referenced in the Report as being monies to be distributed to Claimant.

10. Pursuant to 11 U.S.C. § 350(b), Claimant requests that this Honorable Court reopen the present bankruptcy so that the Court may rule upon a Motion for Order Directing Payment of Funds to Claimant that will be concurrently filed with this Motion. Section 350(b) states that "[a] case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause."

WHEREFORE, Claimant, GE Capital Retail Bank, respectfully requests that this Honorable Court reopen the present bankruptcy and grant the Claimant's Motion for Order Directing Payment of Funds to Claimant.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: April 9, 2014